

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

CAITLIN FOSTER,

Plaintiff,

v.

**YAMAHA MOTOR
CORPORATION, USA**

Defendant.

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT FOR DAMAGES

COMES NOW, Plaintiff Caitlin Foster (“Plaintiff”), by and through her undersigned counsel, and files this Complaint for Damages, and shows the Court as follows:

I. NATURE OF COMPLAINT

1.

Plaintiff brings this action for damages, liquidated damages, and reasonable attorney fees for Defendant’s violation of his rights under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e (“Title VII”).

II. ADMINISTRATIVE PROCEDURES

2.

Plaintiff has fulfilled all conditions necessary to proceed with this cause of action under Title VII. Plaintiff filed his charge of discrimination against Defendant with the EEOC on April 4, 2021; the EEOC issued its Notice of Right to Sue on December 7, 2021.

3.

Plaintiff timely filed this action within ninety (90) days of receipt of the Notice of Right to Sue from the EEOC

III. JURISDICTION AND VENUE

4.

Plaintiff invokes the jurisdiction of this court pursuant to 28 U.S.C. §§ 1331 and 1343, 42 U.S.C. § 1981, and 29 U.S.C. § 261(b)

5.

The unlawful employment practices alleged in this Complaint were committed within this district. In accordance with 28 U.S.C. § 1391 and 42 U.S.C. § 2000e venue is appropriate in this Court.

IV. PARTIES

6.

Plaintiff is an female citizen of the United States of America, and is subject to the jurisdiction of this Court.

7.

At all times relevant Defendant was qualified and licensed to do business in Georgia, and at all times material hereto has conducted business within this District.

8.

Defendant is now and, at all times relevant hereto, has been a domestic for-profit corporation engaged in an industry affecting commerce. During all times relevant hereto, Defendant has employed fifteen (15) or more employees for the requisite duration under Title VII. Defendant is therefore covered under Title VII in accordance with 42 U.S.C. § 2000e(b).

9.

Defendant may be served with process through their legal counsel, or at their principal place of business located at 1270 Chastain Rd NW Kennesaw, GA 30144.

V. FACTUAL ALLEGATIONS

10.

Plaintiff became employed with the Defendant in June 2013, as a Market Analyst, and quickly promoted to Senior Market Analyst.

11.

Upon starting this role, Plaintiff immediately took on informal leadership duties within the Defendant, due to her expertise, and her ability to work and communicate with others to reach a goal.

12.

Since then, Plaintiff has continued to build her reputation as a leader, and a dependable employee at the Defendant, with clear potential to excel in a supervisory position.

13.

By February 2017, Plaintiff had accrued over three and one half (3.5) years at the Defendant, and had earned a promotion within the Defendant as Senior Technical Editor.

14.

This position again showcased Plaintiff's leadership qualities, and her status as an essential asset to the Defendant's operations.

15.

Plaintiff's role while in this position has included, but is not limited to: (1) Managing as well as leading the planning, creation, validation, dissemination, and archiving of technical information to technicians, dealers, and service staff, while over-communicating with appropriate stakeholders; and; (2) Acting as a Supervisor being the "go-to" for publication production and management of project requests and technical communications.

16.

In January 2021, Plaintiff was made aware that the Defendant was looking for a candidate to fill the Marine Technical Information Supervisor position. This was a perfect opportunity for Plaintiff as she had gained substantial supervisory experience while in her current role and had proven her capabilities of being successful in a formal supervisory role.

17.

The Marine Technical Information Supervisor position was the most practical next step forward for Plaintiff in her career trajectory within the company.

18.

On January 29, 2021, Plaintiff emailed a letter to her supervisor who was also the person who would select the candidate for the position in question.

19.

More specifically, Plaintiff emphasized that she had already been managing and assisting with 90% of the goals and objectives outlined for the position in question.

20.

On March 2, 2021, Plaintiff was notified that she was not selected for the Marine Technical Information Supervisor position.

21.

Her supervisor had instead selected a male employee who was substantially less qualified than Plaintiff for the position.

22.

At the same time, Plaintiff had a meeting with her supervisor to inquire as to why she was not selected for the position, and what qualifications the male employee selected for the position had that she did not. However, her supervisor immediately deflected from her questions, shifting focus to topics regarding alleged issues with her work performance, which had never been reflected in her performance reviews or communicated to her at any point while under his supervision.

23.

Plaintiff experienced direct discriminatory treatment while under her current supervisor. In May 2019, Plaintiff's supervisor made the following statement in regards to having more children: "You better rethink that plan if I were you."

24.

This was a clear indication that her job would be in jeopardy if she got pregnant again. In addition, following Plaintiff's second interview for the position in question, her direct supervisor made the comment that hiring her for her current position was "an unpopular decision amongst the guys."

25.

Plaintiff can also attest of other female employees who experienced discriminatory treatment from this supervisor to establish the real reason for Plaintiff not being selected for this position was due to her sex.

VI. CLAIMS FOR RELIEF

COUNT ONE: SEX DISCRIMINATION IN VIOLATION OF TITLE VII

26.

Plaintiff re-alleges the preceding paragraphs as if set forth fully herein.

27.

Defendant's actions in subjecting Plaintiff to ongoing sex discrimination constitute unlawful discrimination on basis of ("Plaintiff's") race in violation of Title VII.

28.

Defendant willfully and wantonly disregarded Plaintiff's rights, and its discrimination against Plaintiff was undertaken in bad faith.

29.

The effect of the conduct complained of herein has been to deprive Plaintiff of equal employment opportunity, and to otherwise adversely affect her status as an employee because of her sex.

30.

As a direct and proximate result of Defendant's violation of Title VII, Plaintiff has been made the victim of acts that have adversely affected her psychological and physical well-being.

31.

Accordingly, Defendant is liable for the damages Plaintiff has sustained as a result of Defendant's unlawful discrimination.

WHEREFORE, Plaintiff judgment as follows:

- (a) General damages for mental and emotional suffering caused by Defendant's misconduct;
- (b) Punitive damages based on Defendant's willful, malicious, intentional, and deliberate acts, including ratification, condemnation and approval of said acts;
- (c) Special damages and/or liquidated damages for lost wages and benefits and prejudgment interest thereon;
- (d) Reasonable attorney's fees and expenses of litigation;
- (e) Trial by jury as to all issues;
- (f) Prejudgment interest at the rate allowed by law;
- (g) Declaratory relief to the effect that Defendant The Salvation Army, has violated Plaintiff's statutory rights;
- (h) Injunctive relief of reinstatement, or front pay in lieu thereof, and prohibiting Defendant, from further unlawful conduct of the type described herein; and
- (i) All other relief to which she may be entitled.

Respectfully submitted the 23rd day of February, 2022.

/s/ Jeremy Stephens

Jeremy Stephens, Esq.

Ga. Bar No.: 702063

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